

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

LUCIO GARCIA-SALAS,

Petitioner,

vs.

Civil Action 2:05-CV-149  
Criminal Action 2:02-CR-164  
Judge Marbley  
Magistrate Judge King

UNITED STATES OF AMERICA,

Respondent.

ORDER

On October 25, 2005, the United States Magistrate Judge issued a *Report and Recommendation* recommending that the action be dismissed as untimely. The parties were specifically advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED** as untimely.

s/Algenon L. Marbley  
Algenon L. Marbley  
United States District Judge